REMARKS

Applicant is in receipt of the Office Action mailed February 26, 2003.

Information Disclosure Statement

The Office Action noted that the Information Disclosure Statement filed February 28, 2001, failed to comply with certain rules because "withdrawn" was not a valid date. Applicant first notes that references A1, A2 and A4 in the Information Disclosure Statement were considered by the Examiner, as indicated by the initialed PTO-1449 form received in this Office Action, whereas reference A3 was not considered. Reference A3 was a patent application that was published on the PTO website but later withdrawn. Thus, Applicant had attempted to cite this patent for the sake of completeness. Applicant notes that this patent later issued as U.S. Patent No. 6,408,429, and was cited by the Examiner as Reference K in this Office Action. Thus, all of the references in the original Information Disclosure Statement have been considered by the Examiner.

Objection to the Drawings

The drawings were objected to because reference number 12 in Figure 2 "should presumably read --102--." Applicant encloses an amended drawing for Figure 2 where the reference number 12 has been changed to read "102".

Figures 1A, 1B, 2 and 4-11 were objected to because the Office Action stated that they "should be designated by a legend such as --prior art-- because only that which is old is illustrated." Applicant respectfully disagrees with this objection. Applicant notes that the present specification clearly describes the computer system 102 of Figures 1A, 1B and 2 as including "computer programs or software components according to the present invention" (see page 12 lines 19-21). Thus, the patent application specification clearly states that the computer system 102 in each of Figures 1A, 1B and 2 contain software programs according to the invention. Therefore, Applicant submits that it would be incorrect and inconsistent with the patent application specification to label these figures as prior art, since these figures are described as containing the invention. With respect to

Figures 4-11, Applicant submits that these figures show one embodiment of a GUI used in the performing and recording steps of certain of the claims. Applicant submits that a prior art label would be improper, and further Applicant does not believe that the content of each of these figures is in fact prior art.

The Office Action also objected to the "Fieldpoint" device in Figure 1B as not having a reference number. Applicant submits an amended drawing for Figure 1B which includes a reference number "123" for the Fieldpoint device. Applicant has also amended the specification at page 12 lines 3-4 to include this reference number.

Objection to the Specification

The Specification was objected to because of various trademark uses which were not capitalized. Applicant has amended the Specification to capitalize the various trademarks used in the application.

Claim Objections

Claims 8 and 13 were objected to due to various typographical errors. Applicant has cancelled present pending claims 1-26 and submits new claims 27 - 59. Applicant has corrected these various typographical errors in the new claims submitted.

§102 Rejections

Claims 1-6 and 9-26 were rejected under §102 as being anticipated by U.S. Patent No. 6,298,474 to Blowers et al. Claims 7 and 8 were rejected under §103 as being unpatentable in view of Blowers et al. in view of U.S. Patent No. 5,293,429 to Pizano et al.

Applicant has cancelled the pending claims and submits new claims 27-59. Applicant submits that the new claims are allowable over the cited references.

New Claims 27 and 41

New claim 27 is directed toward a method which involves performing a plurality of image processing functions on an image and then recording the plurality of image processing functions. These recorded plurality of image processing functions are then

applied to a plurality of images, and an average amount of time required to execute this recorded plurality of image processing functions is determined. Information is then displayed indicating the average amount of time required to execute the recorded plurality of image processing function.

New claim 27 recites subject matter similar to the subject matter of cancelled claims 7 and 8 in the original claims. With respect to prior claim 7, this claim was rejected under §103 as being unpatentable in view of Blowers et al. and Pizano et al. The Office Action admits that the Blowers et al. reference does not teach "performing the prescribed method steps on a plurality of images and determining an average amount of time required to execute the image processing algorithm." Instead, the Office Action relies on Pizano as teaching these missing elements from Blowers.

Applicant submits that there is absolutely no teaching or suggestion in either of the references to combine them as proposed by the Examiner. The Blowers patent is related to a method for developing a graphical control flow structure which includes a control sequence representing various machine vision tasks and/or hardware operating parameters selected by the user. Figures 7, 8 and 9 of the Blowers reference apparently show the time required to complete the sequence shown in the control flow data structure. The Pizano patent is directed toward automatically classifying heterogeneous business forms. The cited portion of Pizano at column 11 refers to "a separate group of tests in which 100 forms are run against dictionaries of different sizes. The results are illustrated in Figure 11. In this figure the average time spent in each form is divided into two parts ..." Thus, Pizano is directed toward determining the average time spent in each of a plurality of forms when comparing forms against those in dictionaries of different sizes, i.e., presumably template forms.

Applicant submits that the cited references do not teach the subject matter of this claim, either singly or in combination. In the Pizano reference, a predetermined compare operation is performed, and the Pizano reference is apparently concerned with the performance of this predetermined operation with respect to various dictionaries of different sizes. The Pizano reference is not directed to evaluating the performance of an image processing algorithm interactively created by a user. Thus Applicant submits that

there is no motivation to combine the teachings of Blowers and Pizano as suggested by the Office Action.

Applicant submits that various of the dependent claims are further independently allowable.

For example, claim 28 recites "displaying information indicating a rate at which the image processing algorithm is capable of processing images." With respect to this element, the Office Action merely refers to the Blowers patent which shows the amount of elapsed time. However, Blowers does not teach calculating a rate at which the image processing algorithm is capable of processing images based on the average execution time.

With respect to claim 29, neither of the cited references teach displaying minimum time and maximum time required for execution of the image processing algorithm.

With respect to claim 30, the cited references do not teach displaying time information corresponding to each execution iteration in a structured display, such as shown in Figure 14 of the present application.

With respect to claim 31, none of the cited references teach sorting the time information by one or more categories.

With respect to claim 32, none of the cited references teach displaying a clock icon which visually indicates the average amount of time required to execute the image processing algorithm as shown, for example, in figures 13 and 14 of the present application.

With respect to claim 33, none of the cited references teach or suggest determining an average amount of time required to execute each of the image processing functions in the algorithm and displaying information regarding this determined average amount of time.

In a similar manner, Applicant submits that each of the remaining dependent claims are independently allowable over the cited references.

Applicant submits that claims 41 and those dependent thereon are allowable for at least the reasons given above.

New Claims 47 and 51

Claim 47 essentially recites a memory medium comprising program instructions where a user may perform one or more image processing functions on an image, and these image processing functions may be recorded. The resulting image processing algorithm may then be executed and the execution time measured. Then the computer system software may operate to programmatically change the image processing algorithm in order to reduce the execution time of the image processing algorithm. This subject matter is simply not taught or suggested in either of the cited references, either singularly or in combination.

New claim 47 recites subject matter similar to original claim 12. Applicant respectfully submits that the cited references do not teach or suggest the subject matter of new claim 47 (or original claim 12). For example, with respect to original claim 12, the Office Action merely states that "Blowers et al. further disclose [this step] citing column 13 lines 3-10 and the description of set maximum time in the table of column 13. However, column 13 lines 3-10 of the Blowers patent generally refers to optional interfaces used with the common object model (COM) environment and have absolutely nothing to do with programmatically changing the image processing algorithm in order to reduce the execution time of the image processing algorithm.

Applicant notes that the "set maximum time" description in the table of column 13 refers to a method which "sets the maximum time allows [sic] for the use function to execute." However, this function does not operate to "programmatically change the image processing algorithm in order to reduce the execution time." Thus, Applicant submits that claims 47 and 51 and those dependent thereon are allowable.

New claims 55 and 59

Claim 55 essentially recites a memory medium comprising program instructions where a user may perform one or more image processing functions on an image, and these image processing functions may be recorded. The resulting image processing algorithm may then be executed and the execution time measured. Then the computer system software may operate to programmatically determine one or more suggested changes to the image processing algorithm in order to reduce the execution time of the

image processing algorithm, and display information indicating the suggested changes. The Blowers et al. reference does not teach or suggest programmatically determining one or more suggested changes to an image processing algorithm to reduce the execution time of the algorithm, and then displaying information indicating the suggested changes.

New claim 59 recites, in part:

> displaying information indicating suggested changes to the image processing algorithm in order to reduce the execution time of the image processing algorithm;
> receiving user input accepting one or more of the suggested changes; and
> programmatically making the accepted changes to the image processing algorithm.

The cited references do not teach or suggest at least the above limitations.
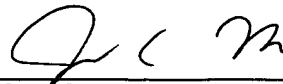
CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-45000/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Request for Approval of Drawing Changes

☐ Notice of Change of Address

☐ Check in the amount of $ for fees ( ).

☐ Other:

Respectfully submitted,

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18